January 26, 2021

Acting Chairwoman Jessica Rosenworcel
Commissioner Brendan Carr
Commissioner Geoffrey Starks
Commissioner Nathan Simington
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: Unlicensed Use of the 6 GHz Band, ET Docket No. 18-295; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz, GN Docket No. 17-183: Notice of Ex Parte Presentation

Dear Acting Chairwoman and Commissioners:

The undersigned parties, representing public safety, critical infrastructure, and wireless licensees in the 6 GHz band, respectfully urge the Federal Communications Commission (“FCC” or “Commission”) immediately to pause any additional equipment certification approvals for 6 GHz unlicensed low-power indoor (“LPI”) devices until rigorous testing is conducted to demonstrate that unlicensed devices can coexist with incumbent fixed-microwave licensees in the 6 GHz band.¹ Such action is necessary to satisfy Congress’s recent directive to the FCC to provide a report on progress towards “ensuring rigorous testing related to unlicensed use of the 6 gigahertz band” and is the only prudent course given recent showings in the record that LPI devices pose a significant interference risk. In the fall of 2020, CTIA and Southern Company conducted field testing that showed a single LPI device can cause interference to a licensed

¹ Further, we are filing in support of the written ex parte submission by Southern Company Services (“Southern Company”) which also opposes any further unlicensed operations in the 6 GHz band, until rigorous testing shows that unlicensed operations will not cause harmful interference to fixed microwave systems that public safety, utilities and other critical infrastructure use for mission critical communications. See Letter from Coy Trosclair, Director of Telecom Services, Southern Company Services to Marlene H. Dortch, Secretary, Federal Communications Commission, ET Docket No. 18-295 (filed Jan. 7, 2021) (“Southern Company January 15 Letter”)
fixed-microwave link from as far as 9 km away. The field testing used a programmable vector signal generator to represent the transmissions of a single unlicensed LPI device. The results are of serious concern and demand more testing and further review of LPI devices.

In enacting the Consolidated Appropriations Act, 2021, Congress adopted the Joint Explanatory Report which spoke directly to the testing of unlicensed devices in the 6 GHz band:

As the FCC has authorized unlicensed use of the 6 gigahertz band, the agreement expects the Commission to ensure its plan does not result in harmful interference to incumbent users or impact critical infrastructure communications systems. The agreement is particularly concerned about the potential effects on the reliability of the electric transmission and distribution system. The agreement expects the FCC to ensure any mitigation technologies are rigorously tested and found to be effective in order to protect the electric transmission system. The FCC is directed to provide a report to the Committees within 90 days of enactment of this Act on its progress in ensuring rigorous testing related to unlicensed use of the 6 gigahertz band.

The undersigned are eager to work with the FCC and all stakeholders on rigorous testing.

LPI stakeholders have refused to participate in or even make LPI devices available for testing, but want the FCC to certify their devices nonetheless. The 6 GHz Report and Order suggested that a multi-stakeholder group could “work cooperatively to develop and test devices to aid in the goal of developing processes for introducing and operating devices across the 6 GHz band,” but 6 GHz incumbent requests for testing within the multi-stakeholder group have been rebuffed.

As a first step towards its report to Congress which is due March 27, 2021, the FCC should announce that it will not approve the grant of any additional 6 GHz unlicensed LPI device certifications until such testing is conducted. Absent such testing, the Commission is unable “to ensure its plan does not result in harmful interference to incumbent users,” and absent such assurance, it should not be granting 6 GHz LPI device certifications.

2 See e.g. Letter from Jennifer L. Oberhausen, CTIA, to Marlene H. Dortch, Secretary, Federal Communications Commission, ET Docket No. 18-295, GN Docket No. 17-183 (filed Nov. 13, 2020).


Second, the Commission should exercise its authority under Section 2.945 of its rules to obtain sample devices from any LPI device equipment manufacturer that seeks equipment certification.\(^6\) This approach is consistent with the process the Commission used in the LTE-U and LAA context, an approach in response to unlicensed proponents who today are among the biggest 6 GHz LPI stakeholders. In that context, for example, NCTA argued that LTE-U and LAA claims regarding spectrum sharing “depend on badly flawed coexistence simulations.”\(^7\) NCTA recommended that the Commission:

1. convene a meeting of the Chief of the Office of Engineering and Technology and a representative group of licensed carriers and the unlicensed community to initiate a process to establish effective sharing mechanisms;
2. establish a working group composed of Commission staff and engineers from interested parties to carry forth this work after this initial meeting in weekly meetings;
3. seek monthly status reports from IEEE and 3GPP on the progress of coordination between these bodies on establishing effective sharing; and
4. ensure that licensees do not launch non-standard versions of LTE-U until these processes have been completed to the Commission’s satisfaction.\(^8\)

In response, the Commission did not approve any commercial LTE-U equipment until an “industry-driven process to enable fair coexistence between LTE-U and other technologies in the unlicensed bands” was completed.\(^9\) Only then did the Commission authorize LTE-U devices when “voluntary industry testing has demonstrated that both

\(^6\) See 47 C.F.R. §2.945 (a) (“Prior to certification. (1) The Commission or a Telecommunication Certification Body (TCB) may require an applicant for certification to submit one or more sample units for measurement at the Commission's laboratory or the TCB.”).

\(^7\) See e.g., Comments of The National Cable & Telecommunications Association, ET Docket No. 15-105 at 14 (filed June 11, 2015).

\(^8\) Id. at 36.

these devices and Wi-Fi operations can co-exist in the 5 GHz band.”

Here, the concerns are real and warrant serious review.

In light of the CTIA/Southern Company field testing and Congress’ call for rigorous testing, incumbent 6 GHz stakeholders ask the Commission to engage in real-world testing to assess the operating parameters and mitigation technologies that unlicensed LPI devices will rely on prior to authorizing any additional unlicensed 6 GHz device.

Further testing under real-world conditions using actual unlicensed devices is necessary before the Commission and other stakeholders can be certain that interference will not occur. These testing efforts could be managed through the multi-stakeholder group process or through another regime acceptable to the Commission. The Commission, either on its own or through the multi-stakeholder group, should complete its evaluation of the interference effects from unlicensed use of the 6 GHz band prior to further equipment certification.

Given that the 6 GHz Report to Congress on “the progress in ensuring rigorous testing” must be filed by March 27, 2021, there is urgency for the Commission to take tangible, reportable steps. Announcing no further LPI device certifications pending testing and demanding sample LPI devices for testing would represent just such action.

In accordance with Section 1.1206 of the Commission’s rules, this letter is being filed electronically in the above-referenced proceeding.

Sincerely,

UTILITIES TECHNOLOGY COUNCIL

/s/ Brett Kilbourne
Brett Kilbourne
Vice President Policy and General Counsel
Utilities Technology Council
2550 South Clark Street, Suite 960
Arlington, VA 22202
202-872-0030

EDISON ELECTRIC INSTITUTE

/s/ Aryeh Fishman
Aryeh Fishman
Associate General Counsel, Regulatory Legal Affairs
Edison Electric Institute
Washington, D.C. 20004
(202) 508-5000


11 In the LTE-U and LAA context, of course, sharing in the 5 GHz band involved existing unlicensed operations with no expectation of harmful interference protection, whereas incumbents here in the 6 GHz band are primary licensed providers entitled to full protection from interfering unlicensed operations.

12 Workstream 1 of the multi-stakeholder group has been reviewing a proposed process for dealing with harmful interference.
Correspondent:

Marlene H. Dortch
January 26, 2021
Page 5 of 6

AMERICAN PUBLIC POWER ASSOCIATION

/s/ Corry Marshall
Corry Marshall
Senior Government Relations Director
American Public Power Association
2451 Crystal Dr., Suite 1000
Arlington, VA 22202
202-467-2939

AMERICAN PETROLEUM INSTITUTE

/s/ Suzanne Lemieux
Suzanne Lemieux
Manager Operations Security &
Emergency Response Policy,
Corporate Policy
American Petroleum Institute
200 Massachusetts Avenue NW
Washington, DC 20001-5571
(202) 682-8000

NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL

/s/ Ralph Haller
Ralph A. Haller, Chairman
National Public Safety
Telecommunications Council
9615 East County Line Road, Suite B-246
Centennial, Colorado 80112

NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION

/s/ Brian M. O’Hara
Brian M. O’Hara
Senior Director Regulatory Issues –
Telecom & Broadband
National Rural Electric Cooperative
Association
4301 Wilson Blvd.
Arlington, VA 22203
703-907-5798

AMERICAN WATER WORKS ASSOCIATION

/s/ G. Tracy Mehan, III
G. Tracy Mehan, III
Executive Director – Government Affairs
American Water Works Association
1300 Eye St. NW Suite 701
Washington, DC 20005-3314
202-628-8303

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS

/s/ Ryan Woodward
Government Relations Manager
International Association of Fire Chiefs
4795 Meadow Wood Lane, Suite 100
Chantilly, VA 20151
AMERICAN GAS ASSOCIATION

/s/ Matthew Agen
Matthew J. Agen
Assistant General Counsel
American Gas Association
400 North Capitol Street, NW
Washington, DC  20001
(202) 824-7090

APCO INTERNATIONAL

/s/ Jeffrey Cohen
Jeffrey S. Cohen
Chief Counsel and Director of Government Relations
APCO International
1426 Prince Street
Alexandria, VA 22314
571-312-4400 ext. 7005

cc:  Sean Spivey
     Umair Javed
     Ethan Lucarelli
     William Davenport
     Erin Boone
     Greg Watson